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October 14, 1964

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

I have signed H. R. 8427, a bill which would authorize a special retirement and disability system for a limited number of employees of the Central Intelligence Agency, whose work is of a demanding or specialized nature. This legislation is fundamentally meritorious.

However, I must express objection to a provision in this bill which would require that the rules and regulations prescribed by the Director of Central Intelligence for the establishment and maintenance of the retirement system not take effect until approved by the chairmen and ranking minority members of the Armed Services Committees of the House and Senate.

Four Attorneys General of the United States have held that legislative provisions vesting in congressional committees the power to approve or disapprove actions of the executive branch are unconstitutional. This conclusion is equally applicable to the provision in H. R. 8427 which vests such power in particular members of congressional committees. Such a provision attempts to confer executive powers on the members of the legislative branch, in violation of the constitutional principle of separation of powers.

However, I recognize that the adoption of this objectionable provision is due in large part to the fact that the anticipated coverage of the retirement system, which was explained to the committees, cannot for security reasons be set forth in the bill. Accordingly, I shall treat this provision as a request for consultation with the named committee members, and shall ask the Director to comply with it on that basis.
